

REMARKS

Claims 19, 21-24, 26-29 and 31-33 remain pending in the application, claims 20, 25 and 30 being canceled herein.

No new issues are raised by the amendments and remarks made herein. It is respectfully requested that the Amendment be entered.

Claims 19-33 over Oehrke

Claims 19-33 were rejected under 35 USC 102(e) as allegedly being anticipated by U.S. Pat. No. 7,047,300 to Oehrke ("Oehrke"). Claims 20, 25 and 30 are canceled herein thereby mooted the rejection with respect to those claims. With respect to the remaining claims, the Applicant respectfully traverses the rejection.

Claims 19 and 21-23 recite a load balancer module to determine a least recently used protocol gateway supporting a protocol of a source of a message; and routing the message to a determined least recently used protocol gateway. Claims 24, 26-29 and 31-33 recite determining a least recently used protocol gateway supporting protocol of a source of a message; and routing the message to the determined least recently used protocol gateway.

In the Office Action, the Examiner alleges that Oehrke discloses a least recently used protocol gateway (35) at col. 6, lines 26-42. The Applicants respectfully disagree.

The cited passage of Oehrke is reproduced herein:

*The selection of the application processor 35 within set 34, 36 or 38, is preferably based on various balancing factors. The factors include the number of requests distributed to each particular application processor 35 within a certain amount of time and whether that particular application processor 35 is currently operational. Thus, the **current bandwidth** of an operational application processor 35 is used for load balancing. Different, fewer, or additional factors may be used, such as information on the application processors **current CPU utilization, data storage input/output utilization, and the usage rate** of the network interface. Preferably, Simple Network Management Protocol Management Information Base is used to collect the factors. For a discussion of various load balancing factors and distribution, refer*

to U.S. patent application Ser. No. 09/021,091 for a Method And System For Network Redirecting, filed herewith. (emphasis added)

The present invention very importantly provides a **ROUND-ROBIN** load balancing to route a message to a **LEAST RECENTLY USED** protocol gateway supporting the protocol of the client device associated with the message. (See, e.g., the specification at page 34, lines 25-27)

Oehrke fails to disclose, or even suggest, monitoring of a **least recently used** protocol gateway for ANY purpose, much less determination of a **least recently used** protocol gateway supporting the protocol of the client device associated with the message, and then routing the message to that determined least recently used protocol gateway, as recited by all pending claims.

For at least all the above reasons, claims 19, 21-24, 26-29 and 31-33 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No.: 36,457
Tel. (202) 261-1020
Fax. (202) 887-0336

MANELLI DENISON & SELTER PLLC
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307